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SENATE BILL 1075

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO JUDICIAL APPOINTMENTS; REQUIRING THAT JUDICIAL
NOMINATING COMMISSIONS RECOMMEND TO THE GOVERNOR THE NAMES OF
AT LEAST TWO QUALIFIED PERSONS FOR APPOINTMENT TO JUDICIAL
OFFICE PURSUANT TO THE CONSTITUTION OF NEW MEXICO; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LEGISLATIVE PURPOSE.--It is the intent of the
legislature by passage of this 2007 act to set forth guidelines
for the nomination and appointment of judges to fill judicial
vacancies consistent with Article 6, Sections 35 through 37 of
the constitution of New Mexico, which vest judicial nominating
commissions with the authority to evaluate and make
recommendations of the names of persons to the governor and
vest the governor with the authority to select an individual to

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1 fill the vacancy by appointing one of the persons nominated by
2 a judicial nominating commission.

3 Section 2. JUDICIAL NOMINATING COMMISSIONS DEFINED.--As
4 used in this 2007 act, "judicial nominating commissions" means
5 the appellate judges nominating commission, the district court
6 judges nominating committee and the metropolitan court judges
7 nominating committee created by Article 6, Sections 35 through
8 37 of the constitution of New Mexico.

9 Section 3. JUDICIAL NOMINATING COMMISSIONS
10 RECOMMENDATIONS--MINIMUM NUMBER REQUIRED.--

11 A. To fulfill the intent and purpose of the
12 constitution of New Mexico and to preserve the governor's
13 discretion in the exercise of the governor's power of
14 appointment, judicial nominating commissions shall follow the
15 requirements set forth in this 2007 act so that the commissions
16 recommend by a majority to the governor the names of at least
17 two qualified persons for judicial office.

18 B. Judicial nominating commissions shall submit to
19 the governor a list of at least two names of persons qualified
20 for judicial office and recommended for appointment pursuant to
21 their nominating responsibilities provided in Article 6,
22 Sections 35 through 37 of the constitution of New Mexico and
23 the provisions of this 2007 act. A list of nominees submitted
24 to the governor by a judicial nominating commission shall not
25 be valid unless a majority of the members of the commission

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1 concurs.

2 C. Judicial nominating commissions shall actively
3 solicit applications from qualified lawyers by recruitment,
4 public notice and advertisement; provided that a commission may
5 commence solicitation and recruitment efforts prior to an
6 actual vacancy and shall continue actively to solicit
7 applications from qualified persons until the commission is
8 able to recommend to the governor the names of at least two
9 qualified persons prior to the expiration of the thirty-day
10 time period provided in Article 6, Sections 35 through 37 of
11 the constitution of New Mexico. In order to obtain the best
12 qualified persons as nominees, judicial nominating commissions
13 shall not limit their consideration of potential nominees to
14 those persons whose names have been submitted to them or who
15 have expressed a willingness to serve.

16 D. If at any time a judicial nominating commission
17 believes that it is unable to recommend to the governor two or
18 more names of qualified applicants by a majority, the
19 commission shall immediately continue actively to solicit
20 applications from qualified persons until the commission is
21 able to recommend to the governor the names of at least two
22 qualified persons prior to the expiration of the thirty-day
23 time period provided in Article 6, Sections 35 through 37 of
24 the constitution of New Mexico.

25 Section 4. JUDICIAL NOMINATING COMMISSIONS--NOMINATIONS--
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1 ADDITIONAL NAMES--APPOINTMENT.--

2 A. Immediately after receiving the list of the
3 names of qualified persons, the governor may make one request
4 of a judicial nominating commission for the submission of
5 additional names pursuant to Article 6, Sections 35 through 37
6 of the constitution of New Mexico. In evaluating the
7 governor's request, the commission may actively solicit
8 additional applications and shall give due consideration to
9 each application.

10 B. The governor shall fill a vacancy or appoint a
11 successor to fill an impending vacancy within thirty days after
12 receiving a list of final nominations from a judicial
13 nominating commission by appointing to the judicial office one
14 of the persons recommended to the governor by the commission.

15 Section 5. APPLICABILITY.--The provisions of this act
16 shall apply to all vacant judicial positions for which the
17 judicial nominating commissions submit nominations to the
18 governor, including any vacant positions pending on the
19 effective date of this act.

20 Section 6. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.

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